

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 851 of 2018

- Anand Ram S/o Son Sai Aged About 65 Years Caste Panika R/o Parcha Basti, P. S. And Tehsil Baikunthpur, District Koriya Chhattisgarh, District : Koriya (Baikunthpur), Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Baikunthpur, District Koriya Chhattisgarh, District : Koriya (Baikunthpur), Chhattisgarh

---- Respondent

For Applicant : Mr. Ashok Kumar Shukla, Advocate.

For Respondent : Mr. Anupam Dubey, Dy. Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

12/09/2018

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.256/2017 registered at Police Station-Baikunthpur, District – Koriya(C.G.), for the offence punishable under Sections 420, 467, 468, 471 & 120-B of the Indian Penal Code (for short 'IPC').
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. No case is made out against him, according to the material present in the case diary. False complaint has been made by the complainant Kewlapati against the

applicant, that she was the real entitled person over the property of deceased Amarsai, whereas the name of the applicant has been mutated in the records after due verification made by the Revenue Officers in this case, subsequent to which he has sold the property to co-accused Azhar Muneer. It is also submitted that the co-accused Azhar Muneer, the purchaser of the land and Sevakram Marabi, Patwari of the concerned circle has been granted anticipatory bail by the co-ordinate Bench of this Court in MCRC(A) No.861 of 2017 and 928 of 2017 vide order dated 18.4.2018. Hence, it is prayed that this applicant may also be benefited with grant of anticipatory bail.

3. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that it is a clear cut case of fraud and cheating, in which, this applicant has usurped the entitlement of the complainant and others and got the order of mutation passed in his favor fraudulently, hence, no case for grant of anticipatory bail is made out.
4. Heard both the parties and perused the case diary.
5. As the case is, subsequent to death of Amarsai and his wife Suhano Bai, the applicant got mutated his name as their successor suppressing the fact that the deceased had other successors i.e. the complainant and her sister. After the mutation, the land has been disposed of by the applicant.
6. Considering on entire material present in the case diary, and for the reason that similarly placed co-accused persons have been benefited with grant of anticipatory bail by the co-ordinate Bench of this Court, I am of this view that this is a fit case where the applicant should also be benefited with grant of anticipatory bail.

7. Accordingly, the anticipatory bail application of applicant is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the officer arresting him on his executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant shall also abide by the following conditions :

- (i) that the applicant shall make himself available for interrogation before the investigating officer as and when required;
- (ii) that the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;
- (iii) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-

(Rajendra Chandra Singh Samant)

Judge